

REMARKS/ARGUMENTS

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claim 1 has been amended to improve the form thereof. Claims 1 and 4-6 are pending for further examination.

Claims 1-6 remain rejected under 35 USC 102(b) as being anticipated by Nathan (WO 96/12257) (cited herein by Applicant based on U.S. National Phase, Pat. 6,308,204). For at least the following reasons, Applicant respectfully submits that the amended claims herein are not anticipated by Nathan. Thus, reconsideration and withdrawal of this rejection are requested.

Nathan does not teach or suggest every element of the claimed combination. For example, Nathan does not teach or suggest "opening a reception file on a permanent storage area, of said audiovisual data reproduction system, having an available memory of a specified minimum size sufficient to store all data packets of a file to be sent by the central server" as recited by currently amended independent claim 1.

According to the Office Action, Nathan's "system inherently checks the availability of the disk (mass storage device) and reserves a predetermined memory space, at least the size of the video file that fills up the buffers." Nathan, however, contemplates a scenario that shows how Nathan's teachings are different from Applicant's.

According to Nathan's system, it can be the case that "registration of ... part of a song or video has not been done due to lack of space on the disk or storage means..." (Col. 12, lines 21-24). Since Applicant's claim recites "opening a reception file on a permanent storage area, of said audiovisual data reproduction system, having an available memory of a specified minimum size sufficient to store all data packets of a file to be sent by the central server," users of Applicant's claimed method will not encounter this situation.

Nathan does not teach opening a file of sufficient size to store all of the data packets of the sent file as claimed by Applicant. This is why, under Nathan's teachings, "registration of ... part of a song or video [may not have] been done due to lack of space on the disk or storage means." Because Nathan is missing the claimed opening step, followers of Nathan's teachings can encounter a situation where the storage space simply runs out as the file pieces are being written.

For at least this reason, Applicant submits that claim 1 is patentably distinct from Nathan. Claims 4-6 should be patentable based at least on their dependency from claim 1. Reconsideration and withdrawal of the rejection are respectfully requested.

The new claim language is supported by the specification. According to the specification "the process comprises a step 11 consisting of opening a reception file on the storage means. According to the invention, the storage area selected is a permanent storage area wherein the memory available has a specified minimum size....during a reception step, 13, the data contained in the packet received is copied to the open

file...As long as the last packet of the file being received has not been received, all data packets of the same file are copied to the previously opened file.” (Applicant’s specification, page 5, line 30 – page 6, line 13). Thus the “specified minimum size” must be a size sufficient to support transfer of all of the data packets of the same file. Applicant notes that Nathan says nothing about the size of the file to which Nathan’s buffer contents are written, and it is at least this feature that distinguishes Applicant’s invention, because Nathan simply writes from a buffer until file space is used up, while Applicant’s invention ensures that sufficient minimum space for all of the data packets of the file is available.

In view of the foregoing amendments and remarks, Applicant believes that the amended claims herein clearly and patentably distinguish the prior art of record and are in condition for allowance. Thus, withdrawal of the rejections and allowance of this application is respectfully requested.


NATHAN et al
Appl. No. 09/583,863
January 19, 2007

Should the Examiner have any questions regarding this amendment, or deem that any formal matters need to be addressed, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:

 (741, 426)
for Joseph S. Presta
Reg. No. 35,329

JSP:bpt/mg
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100